

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brent Gerberding
Application No.:	10/063937
Filed:	May 28, 2002
For:	Polar Radiopaque Marker for Stent
Examiner:	Elizabeth Houston
Group Art Unit:	3731

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-10447-US01

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This document is filed in response to the Notification of Non-Compliant Appeal Brief mailed June 16, 2008. Any fees due are addressed in the accompanying Transmittal Letter.

Remarks

The Notification of Non-Compliant Appeal Brief stated that the Appeal Brief filed June 2, 2008 did not state the status of canceled claim 36.

Applicants submit herewith a replacement page 2 for the Appeal Brief. The replacement page includes a revised Status of Claims section that indicates that claim 36 is cancelled.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 24, 2008

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(i) Real Party in Interest

The application is assigned to Boston Scientific Scimed, Inc., formerly known as Scimed Life Systems, Inc., One SciMed Place, Maple Grove, MN 55311-1566, a Minnesota Corporation and a subsidiary of Boston Scientific Corporation, One Boston Scientific Place, Natick, Massachusetts, 01760-1537, a Delaware Corporation.

(ii) Related Appeals and Interferences

None.

(iii) Status of Claims

Claims 1, 2, 4-10, 13-15, 26-28, 34 and 35 are pending in the application and have been twice or finally rejected. Claims 16-18 and 22-25 have been withdrawn from consideration. Claims 3, 11, 12, 19-21, 29-33 and 36 have been canceled.

(iv) Status of Amendments

All amendments have been entered to date.

(v) Summary of Claimed Subject Matter

A summary of representative independent claims as required by 37 C.F.R. §41.37(c)(1)(v) and any dependent claims argued separately, and a non-limiting listing of locations where support may be found [bracketed citations] referring to the specification by page and line number, and to any drawing, is provided as follows:

Independent claim 1 is directed to a medical device having a longitudinal axis